

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Felix A. Perez

v.

Civil No. 12-cv-314-JD

United States of America

O R D E R

The petitioner, Felix Perez, filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. Perez had previously filed a petition for habeas corpus relief with this court on September 10, 2010. See Felix A. Perez v. United States, No. 1:10-cv-402-JD (document no. 1). "Before a second or successive application [for habeas corpus relief] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). Because Perez did not move in the First Circuit for leave to file a second or successive petition for habeas corpus relief, this court does not have jurisdiction over Perez's petition. See Pratt v. United States, 129 F.3d 54, 57 (1st Cir. 1997).

Conclusion

Accordingly, the petition is dismissed for lack of jurisdiction. The petitioner may seek authorization from the

United States Court of Appeals for the First Circuit to file a second or successive petition. The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

September 6, 2012

cc: Seth R. Aframe, Esquire  
Felix A. Perez #04182-049, pro se